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Planning Commission Review

Bolts Lake Planned Unit Development Concept Development Plan for PUD Review

Date: July 11, 2018

File Name and Process: Bolts Lake Planned Unit Development (PUD) Concept Review

Owner/Applicant: Battle North LLC

Representative: Tim McGuire

Legal Description: Tracts A-H, Sections 1,2, 11 and 12, Township 6 South, Range 81 West; and Section 36, Township 5 South, Range 81 West, Eagle County Colorado

Existing Zoning: Bolts Lake, Gilman, Willow Creek, Rock Creek and Holy Cross Character Area

Proposed Zoning: Planned Unit Development (PUD)

Staff Member: Scot Hunn, Interim Planning Director

Staff Report

I. Summary of Request:

The Applicant, Battle North LLC, requests review of the Concept Plan for Development of the Bolt's Lake Planned Unit Development (PUD), a residentially-oriented project consisting of 700 dwelling units, recreational amenities and open spaces, along with limited neighborhood commercial and mixed-use components to be constructed on roughly 562 acres generally situated on the southern end of the Town of Minturn and

designated within the “Bolt’s Lake, Gilman, Willow Creek, Rock Creek and Holy Cross Character Area” Zone District.

Per the Application, the proposal includes the following break-down of proposed land uses, by acreage and percentage of total parcel size:

Use	Acreage	Percent of Project
Residential	130	23%
Mixed-Use	55	10%
Recreation Open Space	376.6	67%
Total:	561.6	100%

The development of the PUD is proposed to be completed over a 10-15-year time horizon in four phases across five distinct areas of the subject property (“Maloit Park Area”; the “CTP Area;” the “Bolt’s Lake Area;” the “Rex Flats Area;” and, the “Highlands Area”), with the first phase being undertaken in the “Maloit Park Area.”

Three zone districts are proposed:

Zone	Use	Acreage	Density Range
R - 1	Residential (Single-Family/Multiple Family)	130	550-650 Units
MU - 1	Mixed-Use (Amenity/Hospitality/Commercial)	55	50-150 Units
ROS	Recreation Open Space	376.6	N/A
	Total:	561.6	700 Max.

According to the application, utilities such as sewer lines, water lines and electrical transmission infrastructure are in place or available for hook-up, and the Conceptual Development Plan will utilize and enhance existing mass transit infrastructure (existing bus stop).

Report Organization

The remainder of this report briefly summarizes and addresses:

1. The history of the property relative to the previous approvals granted for the Battle Mountain Planned Unit Development (PUD) and the required processes and standards necessary for the review and approval of any new PUD for the subject property;
2. A brief discussion and analysis of the PUD approval process and standards;
3. A general analysis of the appropriateness and conformance of the conceptual plan relative to Town master plan documents and PUD Standards; and,
4. Initial issues, outstanding review items and recommendations for discussion topics.

II. Background:

The application includes the following excerpt describing the history of the subject parcel relative to the larger Battle Mountain development proposal approved in 2008:

“The applicant purchased approximately 5,300 acres between Minturn and Red Cliff known as the Battle Mountain property in December 2004 from Turkey Creek Limited Liability Company. In the mid 2000’s, the applicant partnered with a luxury resort developer, the Ginn Company (“Ginn”). Ginn worked with numerous consultants and land planning experts to develop a development plan for the property in the mid 2000’s. The original development plan consisted of 36 holes of golf, 1700 free market residential units, employee housing units, private commercial and recreational facilities, a private ski area, and other private resort related amenities which were approved by Minturn in an Annexation Agreement (Ordinance No 10 – Series 2008) and a Preliminary PUD (Resolution No 18 – Series 2008). Numerous studies and analyses have been performed on the land, and the results of those studies were used to support the Town approval of the Preliminary PUD allowing the development of the above, as well as an annexation agreement that was approved by a Town referendum in 2009.”

The application goes on to describe more recent approvals to amend the previous PUD zoning for a majority of the Battle Mountain project from a mixed-use private resort community, to a significantly scaled-back residential development plan allowing for the development of up to 100 dwelling units on large-acre “ranch lots” on the “east” property containing roughly 90% (4,620 acres) of the overall Battle Mountain property.

The subject property is described as the “Bolts Lake” parcel (comprised of eight separate parcels) and is otherwise referred to as the “North Parcel” which was originally slated for development of a hotel, private 18-hole golf course, and “resort commercial amenities” according to the application. From the application,

“The property is largely undeveloped but has been utilized over the years for mining and recreational pursuits. A portion of the Bolts Lake property has been designated by EPA as a superfund site from mining and mining related activities that was initially remediated in the 1990’s. In order to allow residential development on portions of the site, additional remediation is required within those areas. The Applicant has recently signed an Administrative Settlement Agreement and Order on Consent (“AOC”) with the EPA which provides the requirements and process to remediate the site for residential use. The Applicant, its designee, or successor, must follow the steps outlined in the AOC to remediate the site to residential standards per EPA’s ongoing approval process, commensurate with the level of development and human activity that the proposed Project contemplates for each corresponding area of the site.”

The Applicant's representative completed pre-application level meetings and preparations with the Town over the past two years to, setting the stage for this Conceptual Development Plan for PUD review and, importantly, framing future annexation agreement negotiations.

As this conceptual review progresses, staff will continue to analyze the current plans in conjunction with the 2009 Town of Minturn Community Plans and the Town's infrastructure planning (water discussions, for instance), as well as previously accepted and reviewed technical studies and reports provided with the Battle Mountain PUD Preliminary Plan application in 2008.

Specifically, staff (Town Manager, Town Attorney, and Town Planner) concurs that certain reports such as those included within the previously reviewed Environmental Impact Report for the Battle Mountain PUD covering the entirety of the subject property (Bolts Lake area) are still valid and useful for any new conceptual review given the fact that environmental conditions for the existing property have not materially changed in any significant way in the years since the Battle Mountain PUD was approved; and, such reports ultimately supported the approval by the Town of high-density residential uses, a golf course and other mixed-uses on the Bolt's Lake property. It was therefore determined that, in certain, limited instances, requiring such reports to be updated will serve no practical purpose for the review of this Concept Plan for PUD.

Yet, the Applicant is working to update other studies that are now irrelevant or in need of adjustment due to the significant changes made to the type, intensity and style of development proposed. For instance, the project's traffic and fiscal impact studies are being updated to reflect a residentially-oriented and scaled-down development plan for the Bolts Lake area which is expected to produce substantially different outcomes and impacts while triggering correspondingly different issues and mitigations needing to be addressed.

III. Summary of Process and Code Requirements:

Planned Unit Development (PUD) Approval Process

As noted above, the Applicant is requesting review of a "Concept Development Plan" for a new Planned Unit Development (PUD) pursuant to Section 16-15-90 – *Concept development plan and checklist* of the Town Code.

The subject property was previously zoned PUD as part of the Battle Mountain development and is included within the Town's "Bolt's Lake, Gilman, Willow Creek, Rock Creek and Holy Cross Character Area" zone district. Although the subject property is "zoned" within the character area, there are few approved uses – mostly recognizing historic uses and activities that have occurred on the subject property – for the Bolts Lake Area.

Effectively, then, there is no zoning or site-specific development controls for the property and the Town Code requires review of a PUD plan to establish site specific zoning and land use entitlements before any development may take place on the subject property.

Therefore, the Applicant is required to proceed through a new, multi-step PUD approval process including:

1. Concept Development Plan Review;
2. PUD Preliminary Development Plan Review;
3. Final Plan for PUD; and,
4. Planned Unit Development Agreement for Final Development Plan.

Concept Development Plan Review Purpose and Criteria – Staff Analysis

The Concept Development Plan review is the first step in the review of the proposed PUD. The Town Code, Section 16-15-120 – *Concept development plan, Planning Commission Review*, provides the following description of the Concept Development Plan review purpose and process:

“(a) *Purpose.*

- (1) *The purpose of the concept plan review is for the applicant, the Planning Director and the Planning Commission to evaluate and discuss the basic concepts for development of the proposed PUD, and to consider whether development of the property as a PUD will result in a significant improvement over its development as a conventional subdivision.*
- (2) *It is the time when determinations should be made as to whether the proposed PUD complies with the purpose and intent of this Code and with the Community Plan and is generally compatible with surrounding land uses.*
- (3) *It is also the opportunity to reach general agreement on such issues as the appropriate range of units and commercial space proposed, the types of use, dimensional limitations and other variations that may be considered; the general locations intended for development and the areas planned to remain undeveloped; the general alignments for access; and how water supply and sewage disposal will be provided.*
- (4) *The concept plan checklist in Section 16-15-110 below covers all the information that needs to be addressed before any action can be taken by the Planning Department or Planning Commission. The outcome of concept plan review should be an identification of issues and concerns the applicant must address if the project is ultimately to receive approval for a preliminary plan for PUD from the Town.”*

As referenced in number (4) above, any review of a Concept Development Plan is facilitated by the provision of the following information and analyses:

“Sec. 16-15-110. - Concept plan submission.

The concept plan submission shall include the following information in conceptual or schematic design and report form. Certain submittal requirements may be waived or modified by the Planning Director if it is demonstrated that the submittal requirements to be waived or modified are not applicable or other practical solutions are being proposed. These requirements are included in the concept plan PUD checklist, which needs to be completed before any progress is made in the PUD process.

Item:	Requirement:	Provided?
(1)	A written statement describing the nature and extent of the development proposed, to include information on proposed uses, densities, contemplated ownership patterns and phasing plans and a statement outlining how and where the proposed development deviates from the development standards prescribed in the underlying zone district;	Yes
(2)	Reasons the PUD procedure is more desirable than a conventional plan;	Yes
(3)	A survey stamped by a licensed surveyor indicating existing conditions of the property, to include, but not necessarily limited to, the location of improvements, contour lines, natural features, existing vegetation, watercourses and perimeter property lines.	Yes
(4)	A vicinity map or plan showing the proposed site in relation to all adjacent properties and a description of how the proposed development relates to the surrounding Character Area and Community Plan;	Yes
(5)	A development plan that illustrates the proposed land uses, building locations, housing unit densities, proposed trails, sidewalks, traffic circulation patterns and the proposed open space and recreational areas or uses;	Yes
(6)	Proposed source of water and method of sewage disposal;	Yes
(7)	Economic and supporting data to justify any proposed commercial and industrial elements;	No
(8)	A preliminary environmental assessment;	Yes
(9)	A preliminary fiscal impact analysis of the estimated demands for Town services, a statement of projected Town tax revenue based upon the historic Town tax levy and a schedule of projected revenue;	Partial
(10)	Preliminary architectural concepts or plans sufficient to determine the general scale and appearance of the proposed development;	Yes

(11)	A conceptual phasing plan for the proposed development;	Yes
(12)	A proposed method of fire protection and emergency medical services;	No
(13)	Any other materials and information deemed necessary by the Planning Director."	N/A

As noted above, most required elements of the Conceptual Development Plan for PUD application were provided in some form and in enough detail to review the basic concepts for development of the PUD; to determine general conformance with the Town Code and Community Plan; and, to discuss the appropriateness of proposed types and ranges of residential, mixed, or commercial land uses.

However, updated economic/market studies and/or Fiscal Impact Analyses are either needed or are forthcoming to allow the Planning Commission and staff to fully evaluate how the proposal conforms to the Town’s goals, policies and standards. For instance, the fiscal information included in Section 8 – Preliminary Fiscal Analysis, focuses on the anticipated revenues (tax revenues and transfer fees) that may result from the phased development of the PUD. Such information is helpful and should be updated to provide a similar analysis or projection of anticipated impacts (costs) to the Town as a result of providing service to the development.

Last, the Planning Commission’s review and consideration of the proposed Concept Development Plan is predicated on the ubiquitous purposes, intents and requirements typically associated with the establishment of PUD zoning.

PUD Overlay Zone District Purpose and Intent – Staff Analysis

PUDs have been used extensively in Eagle County to create master planned communities and to allow communities to evaluate and to encourage proposals that achieve better design and/or phasing of development to avoid hazards, to respond to market conditions, to increase open space and environmental protection through clustering and avoidance of hazards, and to otherwise avoid rigid standards prescribed by typical zoning, development and subdivision controls.

The following excerpt from the Town Code sets forth the purpose and intent of the PUD Overlay Zone District:

“Sec. 16-15-10. - Purpose and general provisions.

“(a) The purpose of the Planned Unit Development (PUD) Overlay Zone District is to allow flexibility for landowners to creatively plan for the overall development of their land and to achieve the purpose and objectives of this Code and the Community Plan. An applicant for a PUD must demonstrate that departure from existing ordinances is warranted and that the proposed PUD significantly contributes to the following:

“(b) The proposed PUD is consistent with the Community Plan and the character of the Town and:

- (1) Provides for new technology and promotes innovative and efficient land use patterns;*
- (2) Permits the integration of land uses and contributes to trails and pedestrian circulation;*
- (3) Preserves valued environments and natural resources and achieves a more desirable environment;*
- (4) Maintains or improves air and water quality;*
- (5) Provides for a wide range of housing opportunities;*
- (6) Improves the overall design character and quality of new development;*
- (7) Permits the integration rather than separation of uses, so that necessary facilities are conveniently located in relation to each other;*
- (8) Establishes land use patterns that promote and expand opportunities for public transportation and trails and for safe, efficient, compact street and utility networks that lower development and maintenance costs and conserve energy;*
- (9) Preserves valued environmental, historic or mineral resource lands and avoids development in natural hazard areas;*
- (10) Maintains and enhances surface and ground water quality and quantity;*
- (11) Provides applicants the opportunity to contribute to the Town's multi-use trail system; to provide and maintain access to public lands and rivers;*
- (12) Establishes incentives for applicants to encourage the provision of long-term affordable housing; and*
- (13) Is consistent with the purposes and goals of the Community Plan and these Land Use Regulations.”*

The proposed PUD is a great example of how a developer can work with a community (or vis versa), understand the needs and forces of the market, and use flexibility and

creativity to envision a land plan that responds to and respects the land forms and existing conditions of a site to achieve the above stated objectives.

At a conceptual level, and acknowledging that the Applicant will need to continue to work with the Town, the Planning Commission, and the citizens of Minturn to better understand critical issues affecting the community during the review of the PUD, staff suggests that several objectives are addressed or could be addressed through the careful consideration of the Bolts Lake PUD:

- Staff believes that the Conceptual Development Plan conforms in significant ways with the 2009 Town of Minturn Community Plan. A brief synopsis of the Community Plan goals and strategies is provided below in Section IV of this report.
- The Conceptual Development Plan generally demonstrates efficient land use patterns in several instances through the clustering of infrastructure and proposed residential, mixed-use and commercial development close to existing development and infrastructure within the Town of Minturn, and through the use of phasing to ensure that extensions of utilities and services to serve future development is completed logically and based on need and the ability to serve the project.
- The Conceptual Development Plan appears to integrate land uses and is expected to contribute to trails and pedestrian circulation. However, additional details regarding the conceptual location/alignment of a regional trail segment through the property and benefiting the public should be provided during the conceptual development plan review.
- The Conceptual Development Plan uses clustering to preserve valued environments and natural resources (and avoids in a substantial manner pre-existing hazard areas/areas of contamination) to achieve a more desirable environment than would be possible if conventional zoning and development standards were used.
- The Conceptual Development Plan may maintain or improve air and water quality through controls – written in to any PUD Guide document and into community master covenants - on erosion and woodburning, for instance. The conceptual plans also indicate that water quality will be maintained by limiting development in or around existing wetland areas and, importantly, the Cross Creek drainage. As plans are further developed, protections (setbacks, drainage design and stormwater treatment infrastructure best practices) in such areas will need further evaluation.
- The Conceptual Development Plan appears to provide a wide range of housing opportunities – from single-family, to duplex and townhome units, to multi-family structures – and, therefore, the potential to provide products at varying price points to serve a more diverse population. As the plans are further developed and reviewed, staff suggests that details and ideas to create an affordable or workforce (attainable) housing program within the development should be a focal point of discussions.

- Although subjective in nature, staff suggests that the use of the PUD process in this case has improved the overall conceptual design, character and quality of proposed development.
- The Conceptual Development Plan appears to integrate rather than separate proposed residential, mixed- and commercial uses, so that necessary facilities are conveniently located in relation to each other. Importantly, the proposed plan also attempts to integrate and complement existing uses on School District property in the Maloit Park area.
- The Conceptual Development Plan is designed, in part, around existing public transportation and trails and to promote safe, efficient, compact street and utility networks that lower development and maintenance costs and conserve energy. As plans are further developed and refined, staff suggests that there should be even greater focus on analyzing how separate development areas and neighborhoods within the PUD can be designed to achieve efficiencies, connectivity, and to integrate technology (solar ready homes, other alternative energy technology such as micro-hydro plants, re-use of non-potable water resources, energy efficient community lighting, bike share programs) into the design of each neighborhood.
- The Conceptual Development Plan appears to go further than previously approved plans for the subject property – by designing improvements to preserve valued environmental, historic or mineral resource lands and to avoid development in natural hazard areas. One aspect of the concept development proposal needing to be addressed is the intention of the Applicant to preserve any existing historic structures or other attributes of the site during and following development.
- The Conceptual Development Plan (“Draft Conceptual Plan” dated 11/21/15 by Zehren & Assoc.) should be revised or updated to show connections and improvements to the Town's multi-use trail system. Previously approved plans for this area showed a trail along Hwy. 24 from the Maloit Park Road intersection area and extending along and past the Bolts Lake Area. Staff suggests that the Planning Commission and Applicant review the status of that trail segment during the Concept Plan review.
- Use of the PUD Overlay Zone District for the design, development and control of land use of the subject property should provide incentives for the Applicant to encourage the provision of long-term affordable housing.

III. Zoning and Compatibility Analysis:

Existing Zoning

The subject property is located within the “Bolt’s Lake, Gilman, Willow Creek, Rock Creek and Holy Cross Character Area.” The Town Code provides the following direction for this character area:

“Sec. 16-10-20. - Character Area characteristics.

Except as otherwise provided in Section 16-10-30, uses within the Bolts Lake, Gilman, Willow Creek, Rock Creek and Holy Cross Character Areas shall be set forth on an approved final development plan for those areas. Until such time as a final development plan is approved, property within the Bolt's Lake, Gilman, Willow Creek, Rock Creek and Holy Cross Character Areas shall be used only for the following purposes:

- (1) Environmental response activities for superfund sites consistent with EPA and CDPHE process and approvals and this Article.*
- (2) Forestry management and maintenance, including without limitation measures to address the infestation of pine beetles and abatement of noxious weeds.*
- (3) Passive recreation activities consistent with historic practice.*
- (4) Management and maintenance of the property as open space, greenbelt and wildlife habitat.*
- (5) Investigation and monitoring of soils, watersheds and other components of the property and other appropriate activities in connection with the management and maintenance of the property and the preparation of the application for the final development plan for the project.*
- (6) Operation, maintenance and use of water rights, water resources, water diversion structures, ditches, pipeline structures, ponds, water impoundments and associated facilities consistent with the decreed uses but subject to these restrictions.*
- (7) Hunting.”*

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2. The general character of the area relative to the character (land use patterns, infrastructure design and functionality, massing and architecture) of the proposed PUD;
3. The ability to phase the development properly and the Town's ability to serve the development without injury or degraded service to existing areas of the Town; and,
4. Whether the proposed development is designed to minimize negative impacts while reinforcing the vision, values and design characteristics that define the Town of Minturn.

IV. **Community Plan Conformance:**

Community Plan Purpose and Vision

The 2009 Town of Minturn Community Plan is the guiding document setting forth community-generated vision, values and goals for future growth, the character of the town, and fiscal decision-making to ensure the vibrancy of the Town is preserved and enhanced:

“Many of the activities and responsibilities of local government such as development plan approval, capital improvements, infrastructure and facility planning and zoning recommendations require conformance to a community's master plan. The Town of Minturn – 2009 Community Plan will serve as a guide for these and other decision-making processes in the future. In short, this Community Plan will help establish the compass bearing for the Town of Minturn, and like any good navigation aid, should be periodically adjusted as changing conditions warrant.”

- Town of Minturn Community Plan (p. 6)

The Plan provides the following background regarding the Town's vision and values relative to growth and development:

“Throughout the recent past, Minturn has strived to maintain its own identity separate from the other communities in the Eagle Valley. In 2008, residents voted to approve the annexation of approximately 4,300 acres on Battle Mountain to be used as a private ski and golf resort community. The prevailing sentiment of the residents was the desire to guide their own future by controlling the development on Battle Mountain, while maintaining the authentic “small mountain town character” of the original town site. Any potential growth will require effective master planning to serve the newly developed areas, as well as to mitigate any potential impact upon services of the current Town. This in mind, the Town set out in late 2008 to begin a comprehensive update of its Community Plan, the specific name the Town of Minturn has chosen to give to its Master Plan.”

- Town of Minturn Community Plan (p. 5)

Last, the Town’s vision statement is clearly articulated on page 9 of the Plan:

“The Town of Minturn values:

- *Its natural environment*
- *Its people living in community*
- *Its history*
- *Its funky, eclectic style**

“From our roots as a mining and railroad town, Minturn has evolved into a one-of-a-kind Rocky Mountain town with a vibrant sense of community. We have built and continue to foster a unique environment which is sensitive to its natural setting, with a wide variety of housing opportunities. We possess a diverse economy based on the support of local business and complementary land development.”

- Town of Minturn Community Plan (p. 9)

Community Plan Organization – Goals and Strategies

The Community Plan is organized around the following topics or sections:

- Community Character /Urban Design
- Sustainability and Green Building Practices
- Land Use/Transportation
- Affordable Housing
- Public Services and Facilities
- Economic Development
- Natural Resources
- Parks and Recreation

The following is a brief listing of applicable goals, objectives and strategies outlined in the plan for each policy area:

Community Character and Urban Design

- Goal (CCG1):** *Maintain, Build Upon and Promote the Town’s Image as a Unique, Eclectic Non-Resort Town with a Strong Sense of Community*
- (CCS 1.1) *Encourage and promote the use of public venues for a wide range of community events*
- (CCS 1.2) *Consider size limits for residential structures*
- (CCS 1.3) *Develop town signage including information kiosks, gateway signs and way-finding system*
- (CCS 1.4) *Develop and implement methods to maintain the town’s eclectic architecture, scale and vibrant color palette*
- (CCS 1.5) *Investigate methods to preserve and protect historic structures*
- (CCS 1.6) *Incorporate local public art into new development and public improvements (CCS 1.7) - Support and enhance the Minturn Market as an integral part of downtown*

- (CCS 1.8) Enforce ordinances aimed at maintaining the health, safety, welfare and aesthetic of the town – snow, trash, nuisance abatement and zoning/land use*
- (CCS 1.9) Encourage development to utilize non-intrusive lighting systems*
- (CCS 1.10) Examine existing hillside development regulations for improvement*
- (CCS 1.11) Allow a variety of lot sizes (small and large lot) as appropriate to specific areas*

Staff Response:

Unlike the previously approved development plan for the Bolts Lake area, the proposed Concept Development Plan is non-resort oriented; development is decidedly locally oriented toward the provision of a range of housing types, sizes and (presumably) price points. Architectural renderings and illustrations provided for this review show a character and intent designed to compliment existing development and architectural character apparent throughout the Town. As plans are further developed, staff suggests that preservation of historic structures or unique land forms should be discussed and that things like the incorporation of public art or other unique venues into the development should be considered.

Sustainability and Green Building Practices

Goal (SGG 1): Encourage Green and Sustainable Practices Throughout the Community

- (SGS 1.1) Develop and incorporate green building guidelines that address energy and resource efficiency, indoor air quality and on-site energy generation*
- (SGS 1.2) Incorporate low impact development (LID) standards for site design into development requirements*
- (SGS 1.3) Promote and encourage increased opportunities for businesses, residents and town government to reduce waste*
- (SGS 1.4) Incorporate “Firewise” guidelines in building and site-planning practices*

Goal (SGG 2): Develop and Practice Green and Sustainable Processes

- (SGS 2.1) Incorporate the concept of green infrastructure into the planning and design of improvements to town systems*
- (SGS 2.2) Develop and insure the integrity of a comprehensive recycling program for town facilities*
- (SGS 2.3) Ban the use of plastic bags in the town*

Staff Response:

The Concept Development Plan does not suggest any specific green building or low impact design standards, guidelines or techniques, but as the plans are further developed and a Planned Unit Development Guide (the zoning document that will control development in the future) is provided for review at later stages in the PUD process, the Guide should include requirements and/or guidance to encourage green

building, as well as low impact development techniques for site grading, drainage and stormwater management. Any Preliminary Plans for the PUD should also be informed by wildfire hazard analyses and the PUD Guide and master covenants should include “firewise” guidelines and requirements for the creation of defensible space and vertical construction.

Land Use/Transportation

- Goal (LUG 1):** *Enhance the Town’s Status as a Walkable and Bikeable Community*
- (LUS 1.1) *Develop and comply with a future land use plan for the entire town (land use element of this Community Plan) which encourages a compatible mix of land uses promoting mass transit, the use of bicycles and increased walkability/accessibility*
 - (LUS 1.2) *Develop comprehensive parking plan for the town which offers alternative parking strategies/standards specific to Minturn - aimed at increasing parking efficiency and ease of development/redevelopment*
 - (LUS 1.3) *Promote the development of a cohesive downtown*
 - (LUS 1.4) *Support and promote the expansion of public transit service to outlying communities*
 - (LUS 1.5) *Promote redevelopment areas as mixed-use centers*
 - (LUS 1.6) *Partner with owners of large land holdings on mutually beneficial redevelopment projects*

Staff Response:

The subject property is not included within the 2009 Town of Minturn Community Plan Future Land Use Map. However, staff suggests that the design of the proposed PUD will be important from the standpoint of supporting transportation, mobility and mass transit goals of the Town and of regional transit providers (ECO Transit).

Affordable Housing

- Goal (AHG 1):** *Promote Affordable Housing*
- (AHS 1.1) *Promote the development of housing opportunities for all income levels throughout all areas of town*
 - (AHS 1.2) *Allow a variety of lot sizes (small and large lot) as appropriate to specific areas*
 - (AHS 1.3) *Develop an affordable housing program, to include housing assistance for town employees, qualified town residents and other eligible Eagle County employees*
 - (AHS 1.4) *Leverage town-owned property for the development of affordable housing*

Staff Response:

The Town of Minturn does not have a housing plan or any adopted “housing guidelines” aimed at achieving the above goal and strategies. However, the proposed Concept Plan for PUD includes a range and mix of housing types, sizes and

(presumably) price points that should serve to provide increased opportunities for home buyers (or renters) of all income levels. The Concept Plan should be evaluated in context to the stated goal and strategies and the Applicant should be encouraged to work with the Town to either develop a housing program specific to the PUD and/or to participate in the formation of a town-wide affordable housing program.

Public Services and Facilities

Goal (PFG 1): *Ensure that Public Facilities are Planned and Implemented to Support New Growth and Existing Population Centers*

- (PFS 1.1) Implement streetscape improvements with pedestrian-scale site elements including sidewalks, paving, signage, lighting and site furnishings*
- (PFS 1.2) Develop a Capital Improvement Plan prioritizing upgrades to existing infrastructure including roads, water and storm water drainage and pedestrian/bicycle amenities*
- (PFS 1.3) Ensure that impacts from new development on existing infrastructure are mitigated*
- (PFS 1.4) Incorporate the concept of green infrastructure into the planning and design of improvements to town systems*
- (PFS 1.5) Develop and implement a comprehensive sidewalk and trails plan addressing both accessibility and bicycles*
- (PFS 1.6) Develop and implement a plan to bury utilities throughout the community*
- (PFS 1.7) Support and promote infrastructure which is attractive to small business – snow removal, loading zones, sidewalks*
- (PFS 1.8) Incorporate the future use of alternative energies into planning processes*
- (PFS 1.9) Develop a comprehensive parking plan that addresses the needs of both the business community and residents*

Staff Response:

The proposed PUD will have significant positive and negative impacts and effects on the Town and its infrastructure, public facilities, and services. Impacts from increased residential and commercial development – *on transportation, sewer and water infrastructure; police and emergency service providers; and, the general enjoyment of existing town amenities* – should be evaluated using fiscal and financial impact studies and analyses prepared by qualified professionals. The PUD should be reviewed against existing Capital Improvement Plans (CIP) and in context to desired or identified trails improvements, public access improvements and opportunities to provide alternative energy production where appropriate.

Economic Development

- Goal (EDG 1): *Diversify the Town’s Economy***
- (EDS 1.1) *Encourage and provide incentives for business to locate in the downtown area*
 - (EDS 1.2) *Encourage the development of flexible space in commercial areas – space which can be easily adjusted as market conditions permit (office to retail to restaurant)*
 - (EDS 1.3) *Attract essential services necessary to form a “complete” community – grocery, pharmacy, hardware store, movie theatre*
 - (EDS 1.4) *Develop a comprehensive marketing strategy promoting the town*
 - (EDS 1.5) *Utilize redevelopment opportunities to help expand and diversify the town’s economic/employment base*
 - (EDS 1.6) *Support and promote practices which are attractive to small business – infrastructure, taxes, city services*
 - (EDS 1.7) *Investigate opportunities for future annexations*
 - (EDS 1.8) *Develop a web-portal which promotes the town*
 - (EDS 1.9) *Promote the town’s unique history to capitalize on the heritage tourism market*

Staff Response:

The Concept Development Plan proposes a mix of locally-oriented, or neighborhood-level commercial development as a compliment to the residential orientation of the PUD. As the plans are further developed and refined – based on concept level review by the Town and based on fiscal, market and financial analyses and studies – the Applicant and the Town should explore opportunities within the PUD to address things like the provision of “flexible space” and/or the provision of essential service businesses.

Natural Resources

- Goal (NRG 1): *Protect and Promote the Eagle River as a Community Asset***
- (NRS 1.1) *Support and fund ongoing river restoration efforts*
 - (NRS 1.2) *Improve and enhance public access to the Eagle River*
 - (NRS 1.3) *Strengthen development standards supporting habitat restoration and protection of the river*
 - (NRS 1.4) *Promote the Eagle River as a focal point of the community/gathering space*
- Goal (NRG 2): *Protect and Promote USFS lands as a Community Asset***
- (NRS 2.1) *Maintain and improve access to public lands*
 - (NRS 2.2) *Promote development of USFS lands where appropriate*
- Goal (NRG 3): *Preserve, Protect and Enhance Environmentally Sensitive Lands***
- (NRS 3.1) *Examine existing hillside development regulations for improvement*
 - (NRS 3.2) *Maintain historic wildlife migration corridors*

(NRS 3.3) *Support efforts to mitigate the impact of the mountain pine beetle infestation*

(NRS 3.4) *Incorporate “Firewise” guidelines in building and site planning practices*

Goal (NRG 4): *Preserve, Protect and Enhance Ridgelines and View Corridors*

(NRS 4.1) *Develop methods to regulate development on ridgelines and preserve specific view corridors*

Staff Response:

The proposed PUD will have direct and lasting impacts on the achievement of the above goals and strategies aimed at protection and use of community amenities and treasured natural resources such as the Eagle River, Cross Creek, and public lands. As plans are further developed and refined, the Town will expect details regarding development standards and dimensional limitations, along with use controls established via the PUD Guide and master covenants, to ensure that Town’s Natural Resources goals and strategies are met.

Parks and Recreation

Goal (PRG 1): *Enhance Recreational Opportunities for all Town Residents and Visitors*

(PRS 1.1) *Support and promote the development of a regional trail system*

(PRS 1.2) *Support and promote the development of a centralized gathering space in the downtown area*

(PRS 1.3) *Investigate opportunities for the development of playgrounds and parks*

(PRS 1.4) *Promote, maintain and improve access to open space*

(PRS 1.5) *Promote, maintain and improve access to the Eagle River*

(PRS 1.6) *Support and promote the development of recreational facilities and programs for multiple user groups*

(PRS 1.7) *Promote existing recreational opportunities/facilities*

Staff Response:

The proposed Concept Development Plan generally indicates that areas within the PUD will be provided with trails and connectivity, open spaces and usable park areas. Further, it appears that there are ample opportunities to further refine areas where public access to the Eagle River and/or public lands can be maintained or perhaps improved.

V. Staff Observations and Suggested Discussion Topics:

General observations

1. The previously approved plans for this site placed a 750 dwelling unit hotel on the Rex Flats and OTP Areas; two of the most heavily contaminated areas of the subject property according to EPA reports referenced in the application and according to the

maps provided in this Concept Development Plan application packet. A majority of the remainder of the site was to be developed into an 18-hole golf course.

The current plans show residential development (ranging in density from 250 up to 325 units units) on those same areas. However, current plans are designed to largely avoid mapped areas of contamination. Staff believes this is reflective of a more sensitive, less aggressive land plan that seeks to direct development away from potential hazard areas, avoid environmental degradation, and preserve open space and/or promote proper reclamation and rehabilitation of previously disturbed areas of the subject property.

2. Previously approved plans for this site included two main access points – one on the northern end of the property at the existing ‘Maloit Park Road’ and one at the ‘Tigwan Road’ - with the intersection at Tigwan Road proposed as a round-about.

The current plans show essentially the same access points (with a round-about at Tigwan Road intersection) but also propose a third access point within the first phase of development (the Maloit Park Area neighborhood). However, no connection between Phase I (Maloit Park Area) and Phase II (Bolt’s Lake Area) is shown on the Conceptual Development Plan. Staff suggest that as plans are discussed and refined, the Applicant and the Town should consider 1) the impact of a third access point on Hwy. 24, and 2) the benefits of a vehicular and non-vehicular connections between Phase I and Phase II to enhance internal circulation and perhaps lessen daily ingress and egress from the Maloit Park Road intersection, while providing dual access out of the development for emergency purposes.

3. The Conceptual Development Plan application packet includes an overall “Draft Conceptual Plan” by Zehren & Associates, Inc. dated 11/21/15, along with more detailed and more recent neighborhood-level plans, conceptual architectural renderings and site plans for different neighborhood types featuring a portion of the Maloit Park Area. However, the two sets of plans (2015 Draft Conceptual Plan and more recent concept plans) do not necessarily correlate as far as road alignments, neighborhood design and layout. As the plans are further developed and refined, the Applicant should be required to update the Draft Concept Plan to ensure that the overall plan for the development accurately depicts the current neighborhood typologies, road alignments and lot layouts.

Outstanding Issues or Required Studies

While the Applicant and their representative have submitted a largely complete conceptual-level application for review, the following key studies should be provided for review prior to the Planning Commission’s action to recommend approval or denial of the Concept Development Plan for the Bolt’s Lake PUD:

- Fiscal Analysis
- Updated Traffic Analysis

VI. Staff Suggested Discussion Topics:

Staff has provided this report to guide discussions regarding the process and requirements for the review and approval of a Concept Development Plan for PUD. Staff has also provided a brief set of observations and analyses in hopes of framing potential topics of discussion and to expose items of most importance to the Town's review of the proposed PUD.

While staff has yet to formulate a staff recommendation for the Concept Development Plan for Bolts Lake PUD, the following list of suggested topics should serve to organize the Planning Commission's review of the proposal:

1. Overall conformance with Concept Development Plan submittal requirements – did the Town receive the level and type of information necessary to fully evaluate the general concept for development?
2. Additional information required for proper and timely review of the Concept Development Plan?
3. Overall understanding of the process, criteria and standards for review of the proposed Concept Development Plan.
4. Overall appropriateness of the PUD vs. development of the property as a conventional subdivision.
5. Overall appropriateness of the proposed range, general locations and types of residential, commercial and/or mixed-uses.
6. Overall compatibility of the project and conformance with community master plan documents.
7. Aspects of the proposal deserving more refinement either prior to conceptual level review and approval, or as part of any Preliminary Plan for PUD application.